

# Licking Valley Courier.

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WEST LIBERTY, MORGAN COUNTY, KENTUCKY. THURSDAY, JULY 28, 1921.

WHOLE NUMBER 574.

## HAS PERFORMED HIS DUTY



As the campaign draws to a close some of the men who are opposed to me are very busy in circulating reports concerning me and the manner in which I have performed my duties as an officer, and trying to make votes against me through false representations.

I want to call the attention to all of you who heard my opponent speak throughout the county to the fact that in no speech of Mr. Allen did he say that I had failed in my efforts to do my duty or had been remiss in the law enforcement.

And again I want to call your attention to the fact that none of my accusers have yet put their finger to a single instance where I have failed in my duty. It is easy to make the sweeping accusation against an officer that he has failed in his efforts, but when it comes to backing it up by proof it is another matter.

Now, are you, as honest voters, going to be deceived by general accusations that cannot be substantiated? Are you going to believe things that the records of the court prove to be false and malicious? No man circulates an untruth that does not have some unholy purpose behind his utterances.

Up to the very time that Mr. Allen filed as a candidate he was outspoken and ardent in his advocacy of my candidacy, and told me and my friends that he was for me. In Wolfe county Mr. Allen's brother was a candidate for County Attorney and my brother-in-law was a candidate for the same office. Mr. Allen insisted that I cause my brother-in-law to quit the race, and I endeavored to induce him to do so, but was not able to do so, and when it was found that I could not induce my brother-in-law to quit the race for County Attorney Mr. Allen promptly announced his candidacy against me. He had a right to be a candidate and no one would deny him that right but it looks a bit fishy to bring the accusation that it was because I had not done my duty, when the evident reason is that in my inability to cause my brother-in-law to quit for County Attorney caused the opposition to me. This is the real reason for my opposition.

And what should the Democrats hope should my opponent be nominated and elected? Mr. Allen has been and is my friend, and I have nothing to say of him that would reflect upon him. I don't want to campaign in that way. But does his record offer anything that would assure you of better law enforcement? He was elected County Attorney of Wolfe county at one time and resigned the office to his brother. I do not blame him for that. He had made some money in the oil business and as a man of wealth had to move to Winchester to be in the society of the rich and affluent—until his money was spent. But that was his business. If he did not want to serve out the term of office to which he was elected it was his affair as to where he lived while he was wealthy.

I wonder what the good citizens who composed the grand juries and the petit juries of the county think when the partisans of my opponent spread broadcast over the country that the courts have been a farce and no doing their duty? They were a part of the court and any reflection on the court and its officers is a reflection on their integrity. Look over the list of the grand juries that have acted for the past few years and see if they are men who would be parties to wrong doing. Every member of the grand and petit juries of the various terms of court since I have been Commonwealth's Attorney owe it to themselves to resent the accusation that they have no done their duty. For that is what my opponent's accusations against me amount to.

I have never had a doubt of my renomination. I have too much faith in the intelligence and integrity of the people to believe that a campaign of calumny and deceit can win. And when the ballots have been cast and counted I confidently believe that the good citizens of all the three counties will roll up such a majority for me

that it will completely silence and shame those who have sought to injure me by a propaganda of falsehood and deceit.

I want to say here that I have never heard of Mr. Allen engaging in these accusations. He has never done so in his speeches. But some of his partisans have sought to injure me by the spread of reports that are false and break down of themselves without refutation.

Yours Respectfully,

FLOYD ARNETT.

### List of Grand Juries since 1916.

March Term, 1916, grand jury: L. Sherman, J. D. Fannin, James B. Hutchinson, H. H. Lacy, Lonnie Pelfrey, John L. Fugett, Jr., C. C. Salyer, H. C. McKenzie, Joe C. Gevedon, John Roe and Robert Spence.

June Term, 1916, grand jury: M. E. Murphy, foreman, W. C. Nickell, Rollie Hale, Sebron Lacy, Alex Whitaker, Frank Caskey, Robert McClure, J. H. Cottle, Jas. T. Easterling, C. W. McKenzie, Jeff Frisby.

September Term, 1916, grand jury: M. E. Murphy, foreman; H. W. Carpenter, G. W. Potter, Press Crace, John Fredrick, J. H. Morris, T. H. Bailey, Zack Ratliff, Press Bailey, Jim Lykins, W. H. Roseberry.

March Term, 1917, grand jury: G. W. Steele, foreman; Walker Haney, Charley Hamilton, Johnnie Conley, Bruce Williams, Frank May, Antony Lowe, Jesse B. Cassidy, Squire Nickell, H. W. Back, John Walsh.

June term, 1917, grand jury: John Henry Fannin, foreman; Dorsey McGuire, I. F. Coffee, Bill Rigsby, Jas. F. Walsh, Tom H. Pelfrey, Will McClure, A. J. Buskirk, Joe Gevedon, Sammy Davis, J. H. Ratliff.

September term, 1917, grand jury: D. M. Deboard, foreman; Dallas Beckelheimer, Asa F. Lykins, Thomas Caskey, Creed Oney, A. P. Tolliver, H. H. Holbrook, Burns McGuire, Marion Conley, H. C. McGuire, Franklin Walters, John Roe.

March Term, 1918, grand jury: W. F. Lykins, foreman; Elijah Henry, Calvin Thomas, Dudley Thomas, Jeff Delong, Amos Cantrell, Harve Howard, J. T. Barker, J. L. Johnston, Henry Clay Johnston, Frank McClain, Elzie Tyre, Sam Patton.

June Term, 1918, grand jury: Harlan Murphy, foreman; J. C. Lane, J. C. Bailey, P. H. Arnett, Noah Elam, D. M. Murphy, John Cottle, W. H. Elam, Dick Rudd, Leander Lacy, Elias Shockey, Sam Patton, B. F. Blankenship, Joe Haney, N. P. Chaney.

September Term, 1918, grand jury: G. W. Steele, foreman; C. W. Nickell, Will Bentley, George Brewer, Ezra Wells, A. W. Wheeler, Tom Phipps, J. M. Dennis, Dave Haney, C. W. Patrick, N. G. Ratliff, Jerry G. Stacy.

March Term, 1919, grand jury: H. A. Wells, foreman; James Franklin, Cy. Stacy, William Ross, Rollie Cecil, John M. Lacy, John S. Castle, Joe Roe Wells, Clay McKenzie, Grant Nickell, J. B. Carter, Alex Cottle.

June Term, 1919, grand jury: I. C. Ferguson, foreman; M. F. Holbrook, Harlan Murphy, A. J. Watson, R. L. Cantrell, F. M. Hutchinson, C. W. McKenzie, Ed Baker Williams, Joe Short, Henry Roseberry, G. W. Phillips, D. M. Murphy.

September Term, 1919, grand jury: W. H. Stacy, foreman; J. R. Day, C. P. Cecil, B. F. Hamilton, Zeph Childers, Thomas Phipps, S. H. Helton, Manson Haney, Noah Elam, Asa Lykins, Willis Strong.

March Term, 1920, grand jury: John S. Carter, foreman; John D. Engle, Raney Morris, John L. Blevins, J. B. Cantrell, Tom Cox, J. J. Watson, George Wilder, J. M. Cantrell, James M. Adams, W. G. Blair, Noah T. Elam.

August Term, 1920, grand jury: M. F. Holbrook, foreman; Alden Stacy, G. C. Williams, J. L. Brooks, Nick Elam, Frank Oakley, Albert Day, Frank Caskey, John A. Fairchild, C. P. Gevedon, Bradley Lewis, Tilden Carpenter.

November Term, 1920, grand jury: G. I. Fannin, foreman; B. S. Stamper, Scott Johnston, Ben Smith, Lee Adkins, R. M. Elam, Smith Griffiths, Ed Bays, Jas. R. Cox, Sam Hatton, (bystander) Walter Davis.

March Term, 1921, grand jury: W. H. McClure, foreman; Will Williams, Frank Walsh, Ollie Haney, H. C. McKenzie, Jr., H. C. Lewis, Frank Steele, Clarence Caskey, C. A. Mullins, Hagar Arnett.

## GARDNER THE MAN

"Sett Thou a Man Diligent in his Business? He Shall Stand Before Kings; He Shall not Stand Before Mean Men."

1. Not a Criminal Case has been appealed from Judge Gardner's Court to the higher court in five years.

2. In the preceding twelve years which he has served as a judge, less than 20 per cent of the cases appealed resulted in reversals. Judge Gardner's findings were sustained in more than four cases out of five.

3. Very few Civil Cases have been appealed during the last five years, from Judge Gardner's court.

4. Of the Civil Cases appealed, one from Wolfe county was reversed; none from Morgan county was reversed; and only two from Magoffin county were reversed. In all other cases appealed Judge Gardner has been sustained by the Court of Appeals.

5. When a Judge is believed to be biased or prejudiced, an affidavit to that effect may be filed and another Judge demanded. Such an affidavit has never been filed in Morgan or Wolfe counties during the long service of Judge Gardner in the present district, and only one was filed in the old district. That was in a contested election case which was tried by Judge Gardner and, on appeal, his findings were sustained by the Court of Appeals.

6. In seventeen years of service, Judge Gardner has missed but two terms of court,—once when a brother died, and once when a baby was born in his home.

During that time he has held twenty-five special terms of court for the convenience of his people. Nearly two

special terms each year.

7. There is but one hold-over murder case at this time in the district, and that has been allowed to go over on motion of the Commonwealth.

The Criminal Docket is cleaned up at each term of court in each county.

8. On the Civil Docket there is not an undecided motion in the district, nor a single case that has been submitted for decision which has not been disposed of. The business of the Court is up.

9. The expense of maintaining court for the foregoing reasons is less in this district than in any mountain district in Kentucky.

10. The following are the list of Jury Commissioners appointed by Judge Gardner in Morgan county for the years indicated. They are believed to be representative men.

March Term 1917—C. A. Sample, Harlan McClain, C. H. Black.

March Term 1918—John D. Henry, Boon Allen, William Bailey.

March Term 1919—Franklin Benton, D. M. Rowland, D. M. Murphy.

March Term 1920—L. B. McClure, C. W. McKenzie, J. C. Bailey.

March Term 1921—M. F. Holbrook, W. H. Stacy, Rev. Harlan Murphy.

The foregoing outstanding facts are submitted from the record of Judge D. W. Gardner to the people who have honored him.

He has been diligent in business and stands before his Kings,—the people,—for judgement.

This record proves:

That D. W. Gardner KNOWS THE LAW. KNOWS HOW TO APPLY THE LAW. HAS BEEN UNBIASED IN APPLYING THE LAW.

The safety of the country is in the freedom, intelligence and courage of its courts.

"Seest thou a man diligent in his business? He shall stand before Kings."

He shall not stand before mean men."

—Proverbs 22-29.

D. W. Gardner has been a judge for sixteen years. He as born among us and knows our weakness and our strength. He has always stood for the best things in life and used his influence in court and out for a little higher standard each year. He has administered the law with the utmost fairness. He has been fearless where courage was admittedly required and has been equally brave where many have not realized the need of courage. His experience is wider than that of many in the district, and he gives of that experience to the service of our people not only on the bench but in every day affairs of our lives. He is absolutely honest and trustworthy, and no man need fear either a lack of fidelity or of ability in the court after he himself has passed away, so long as Judge Gardner presides over the distribution of his estate or is the protector of his babies. He has met the changed conditions of our country through the prohibition legislation with courage and poise, and what is possibly the most difficult section of the country to control, is developing a public sentiment which will make the application of the law easy and effective without harsh and destructive measures. It is much easier to send men to the penitentiary than it is to provide for their babies while they are in jail, or to protect their wives while they are deprived of their usual natural means of support.

His experience is an asset. A judgeship is not merely a job. We have raised up a man to serve us. We have trained him, taught him. We are now entitled to the best that there is in him in the way of public service during such times as we may need him. We are entering upon a new era. The railroads have penetrated the mountains; oil has been discovered; coal is being developed; new roads are being projected and our people are taking or new ways. Our land titles have been revealed to us as universally tangled; our methods of conducting public business now appears to be unsound; and no practices, like moonshining, which our people have looked upon at least tolerantly, are suddenly declared more criminal. There was never a time when we needed a man of experience, and character, and legal learning and judicial temperament, and good COMMON SENSE, as much as we do now and will for the next few years.

Any man may aspire to an office; but the way to attain it is to be genuinely fit for it. Judge Gardner is in every way fit.—Salyersville Independent.

### A LETTER FROM A REPUBLICAN.

Elk Fork, Ky.,  
July 21, 1921.

Editor Courier,  
West Liberty, Ky.

Dear Sir:  
As the primary is drawing near I want to speak a few words for print in your paper. It is to the interest of all voters to be considerate and be careful and select competent men to fill the offices—men who will do their duty according to law.

I want to say a few words to the voters in regard to Judge Gardner's race for Circuit Judge. All people who are informed know that Judge Gardner has discharged his official duties to the satisfaction of all fair minded men. I understand that there is a plan to defeat him with the Republican vote. Republicans, you can not be hoodwinked and caught in this trap. Vote for Judge Gardner.

Yours truly,  
H. W. H.  
A Republican.

Winfred Sparks returned Tuesday from a visit with friends at Lenox.

Cluster Jones, cashier of the Morgan County National Bank at Cannel City was in town Friday on business.

Misses Nora and Phoebe Brugh, of Palmaria, Ind., are visiting their sister, Mrs. C. C. Burton, at this place for a few days.

Mr. and Mrs. Paschal McGuire, who have been at Royaltown for some weeks have returned.

Ned Janninney had the misfortune to be thrown from a mule Sunday and dislocated his arm. Prompt medical attention was had and he is doing nicely.

Killed in Breathitt.

Green Watkins and Henry Noble two of a posse making a moonshine raid, were ambushed and killed Monday, and another, Shade Allen, was badly wounded. Blood hounds are on the trail of the assassins.

Mr. Turner Wilson, of Morehead, was a business visitor here this week.

Vote for Floyd Arnett.

### DEPARTMENT OF EDUCATION.

Frankfort, Ky.,  
June 23, 1921.

My Dear Superintendent:

In the matter on examinations the law requires that applicants must be examined in the county of their residence or before the State Board in person. The practice of going into other counties for examination involves us in embarrassing difficulties and is in violation of the law. I wish you would advise all teacher applicants that they must take the examination in the county of their residence or before the State Board.

Very sincerely yours,  
GEO. COLVIN,  
State Superintendent.

### GETTING READY.

H. W. Carpenter and his associates are getting ready for All Candidates' Day at Highland Park. They have 200 pounds of dressed mutton contracted for, will have two two pound beavers, 40 gallons ice cream, 40 gallons burgoo, lemonade by the barrel, cocoa, cola, pop and everything. Everybody coming.

Ladies especially invited.

G. A. Sergeant, of Cranes, was in town Monday on business.

Uncle Ned Perry, of Pump, an aged Confederate soldier, was in town Tuesday. Uncle Ned wants to get up a rifle shooting match. He can shoot without glasses and is a fine rifle shot.

M. M. Wells, of Licking River, was in town Monday on business and called at the Courier office.

J. M. Cottle's new dwelling on Water street is nearing completion and is an ornament to that part of the town.

Dr. and Mrs. A. F. Ellington left Wednesday for a short visit with his father, R. B. Ellington, at Pump, before going to their new location at Bloomfield.

Ned Wells, who has been working for the Cumberland Pipe Line Co., with headquarters at Lexington, cut his knee with an axe a few days ago and has returned home to get well.

Holly Williams and Roy Hitchcock, of Mine Fork, were in town Monday on business.

### DEHART.

Several persons attended the sheep roast at the mouth of Blackwater Saturday, and report a good time.

Mrs. Bettie visited her daughter, Mrs. Clolla Crouch of Zag, Saturday and Sunday.

Ollie Fannin has a severe boil on his arm.

Sam and Andy Parks, of Breathitt county, were in this section Friday and Saturday.

The new road starting from Greasy and intersecting with the road near the mouth of Panther's branch, is under headway. About one third of the road is completed and is on a fine grade.

It seems that crops are severely damaged in this section for lack of rain, but will not complain but just trust Providence, which doth all things well.

J. A. HALE.

Mrs. D. R. Keeton and children returned this week from a visit with her parents at Salyersville.

## WEAK, NERVOUS, ALL RUN-DOWN

Missouri Lady Suffered Until She Tried Cardui.—Says "Result Was Surprising."—Got Along Fine, Became Normal and Healthy.

Springfield Mo.—"My back was so weak I could hardly stand up, and I would have beginning-down pains and was not well at any time," says Mrs. D. V. Williams, wife of a well-known farmer on Route 6, this place. "I kept getting headaches and having to go to bed," continues Mrs. Williams describing the troubles from which she obtained relief through the use of Cardui. "My husband, having heard of Cardui, proposed getting it for me. I saw after taking some Cardui that I was improving. The result was surprising. I felt like a different person."

"Later I suffered from weakness and weak back, and felt all run-down. I did not rest well at night, I was so nervous and cross. My husband said he would get me some Cardui, which he did. It strengthened me. . . . My doctor said I got along fine. I was in good healthy condition. I cannot say too much for it."

Thousands of women have suffered as Mrs. Williams described, until they found relief from the use of Cardui. Since it has helped so many, you should not hesitate to try Cardui if troubled with womanly ailments. For sale everywhere. E.S.